



WEST/CENTRAL AREA COMMITTEE



City Councillors for

Castle (Marie-Louise Holland, Simon Kightley, Tania Zmura),

Market (Mike Dixon, Colin Rosenstiel, Joye Rosenstiel),

Newnham (Rod Cantrill, Sian Reid, Julie Smith).

Co-opted non-voting members: County Councillors White (Castle), Griffiths (Market) and A Reid (Newnham).

Committee Manager: Liz Whitcher (01223 457015 or liz.whitcher@cambridge.gov.uk or write c/o Room 11, The Guildhall, Cambridge CB2 3QJ)

Published and placed on public deposit: 27 June 2007.

Date:	Thursday 5 July 2007
Time:	7.15pm for 7.30pm start
Place:	The Pavilion Room, Cambridge University Sports Ground, Wilberforce Road, Cambridge CB3 0EQ

INFORMATION ON PUBLIC SPEAKING

Open Forum: Members of the public are invited to ask any question, or make a statement on any matter related to their local area covered by the City Council Wards for this Area Committee. The Forum will last up to 30 minutes, but may be extended at the Chair's discretion. The Chair may also time limit speakers to ensure as many are accommodated as practicable.

Committee reports by Council officers: It would be helpful if you wish to speak to inform a Council officer before the meeting starts, alternatively raise your hand and the Chair will call you to speak. You will have up to three minutes to speak. The Chair has discretion over these rules.

Applications for planning permission: public speaking rules are different and are shown under the agenda heading.

1 ELECTION OF CHAIR AND VICE CHAIR OF THE WEST/CENTRAL AREA COMMITTEE FOR 2007/08

2 APOLOGIES FOR ABSENCE

3 OPEN FORUM

The theme of the Open Forum is Cambridge & Climate Change: current and planned responses to the challenges of climate change. Simon Chubb, Climate Change Officer, will give a short presentation and answer questions.

4 DECLARATIONS OF INTEREST

Members of the committee are asked to declare any interests in the items on the agenda.

In the case of any doubt the advice of the Head of Legal and Democratic Services should be sought before the meeting.

5 MINUTES

To confirm the minutes of the meeting held on 10 May 2007.

(Pages 1 - 6)

6 MATTERS ARISING

Additional information to that reported in the minutes.

7 IMPROVEMENTS TO JESUS GREEN

To consider responses to consultation for proposals to improve Jesus Green.

8 APPLICATIONS FOR PLANNING PERMISSION

Report by Director of Environment and Planning

(Pages 7 - 17)

PUBLIC SPEAKING RULES - Anyone wishing to speak about one of these applications, may do so provided that they have made a representation in writing within the consultation period and have notified the Area Committee Manager shown above **no later than 12 noon on the working day preceding** the Area Committee.

1	
Site	50 Burleigh Street (Market)
Proposal	Change of use from retail to Adult Amusement Centre
Officer Recommendation	APPROVE subject to the satisfactory completion of the s106 agreement by 30 June 2007 and subject to conditions and informatives
Application No	07/0517/FUL
Applicant	RAL Limited Silbury Court 368 Silbury Boulevard Milton Keynes MK9 2AF
Case Officer	James D'Arcy
Contact No	01223-457144

Any comments that you want to make about the way the Council is running Area Committees are very welcome. Please contact the Committee Manager listed at the top of this agenda.

The next meeting of West/Central Area Committee will be on 30 August – venue to be confirmed



**West/Central Area Committee
(City Councillors representing Castle, Market
and Newnham Wards)
10 May 2007 7:30pm –8.55pm
Minutes & Actions**

Present: Councillors: Marie-Louise Holland, Simon Kightley (Vice Chair in the Chair), Tania Zmura (Castle Ward), Mike Dixon, Colin Rosenstiel and Joye Rosenstiel (Market Ward), Rod Cantrill, Sian Reid and Julie Smith (Newnham Ward)
County Councillor: A Reid (Newnham)

Additional information for public: City Council officers can also be emailed firstname.lastname@cambridge.gov.uk
The Committee Manager for West/Central Area Committee is liz.whitcher@cambridge.gov.uk

Members of the City Council have individual email addresses which are listed on the City Council website: www.cambridge.gov.uk/councillors/members.htm
Members of the County Council can be emailed: Firstname.lastname@cambridgeshire.gov.uk

07/16 APOLOGIES FOR ABSENCE

Apologies for absence had been received from County Councillors Gaynor Griffiths (Market) and David White (Castle)

Jesus Green refurbishment: bid for Lottery funding –

The Committee received a presentation from Sarah Tovell regarding a public consultation due to commence on 19th May. Residents Groups would be notified. The results of the consultation would be reported to the next Area Committee prior to Community Services Scrutiny Committee on 19th July.

Cllr J Rosenstiel asked the officers to ensure that there was publicity before the May Week celebrations about expected standards for use of the Green regarding BBQs and disposal of litter.

Active
Commun-
-ities

The Committee noted that the consultation would cover the use of the River and improvements to the swimming pool.

Section 106 (s106) funding for parks and open spaces – Committee received a presentation regarding a city-wide consultation due to commence (ending in August) on suggestions for s106 funded projects for parks and open spaces. The consultation results would be reported to Committee in the autumn. Details of the consultation can be found at

www.cambridge.gov.uk/improvemyneighbourhood

and/or leaflets can be requested from Justin Marsh, Recreation Officer (Growth Projects) 01223 457537.

Public questions

1. Parking in Adams Road – In spite of heavy traffic, parking is allowed on both sides. What has to be done to make it safe for pedestrians and cyclists?

Cllr S Reid referred to a County Council review of commuter parking due to be reported to the Cambridge Environment & Transport Area Joint Committee on 16 July.

The Committee noted that the questioner had undertaken a survey four years ago when alternate day parking on alternate sides of the road was a popular local suggestion. Now however, the questioner believed a continuous single yellow line on both sides of the road would be the preferred.

Draft until 5 July 2007

Enhanced cycling provision was due on Adams Road from the improvements to the University West Cambridge site.

2. Recent planning officer reports have compared favourably applications being reviewed with earlier applications that have been rejected. How can earlier applications have any legitimate relevance to a current one? If an applicant sought a gross development that was rejected, does this make a bad proposal good.

The Planning Officer advised the member of the public, that the site history was relevant. The current application was assessed against the same criteria (as previous).

In discussion Cllr Holland asked for an explanation on how the Conservation and Design Panel and Conservation Officers became involved in the planning application process.

Conservation and Design Team

07/18 DECLARATIONS OF INTEREST

Prejudicial Code of Conduct interests in Planning Applications were declared as follows. The Councillor indicated left the room, took no part in the discussion and did not vote on the application referred to.

Councillor	Application	Nature of Interest
Smith	07/0227/FUL	Known to an objector

Code of Conduct personal interests in Planning Applications were declared as follows:

Councillor	Application	Nature of interest
Kightley	06/1251/FUL	Employee of NIAB which was close to the application site.

07/19 MINUTES

The minutes of the meeting held on 15 March 2007 were agreed as a correct record.

07/20 MATTERS ARISING

Re Minute Number 07/09: Fixed Penalty Notices – fly posting.

An enforcement officer reported back following the debate at the last meeting about the number of local notices/fly posters/adverts on displayed in the West/Central area. Committee was advised that the Council does not have to prove that the owner of a premises knew that a notice was displayed.

Officers acknowledged that noticeboards were valued and would be looking to erect them in neighbourhoods. For the time being however, illegal notices would be removed.

The Anti-Social Behaviour team provided a list of where the public can put up notices legally. Cllr S Reid asked that this information be placed on the website.

Enforce-
ment
team

07/21 PLANNING APPLICATIONS

Full details of the decisions, conditions of permissions and reasons for refusal may be inspected in the Environment and Planning Department, including those which the committee delegated to the Head of Development Control to draw up.

These minutes should be read in conjunction with the reports on applications to the committee, where the conditions to the approved applications or reasons for refusal are set out in full and with the Amendment Sheet issued at the meeting. Any amendments to the recommendations are shown in the minutes.

- 1 **APPLICATION NO:** 06/01251/FUL
SITE: Travellers Rest, Huntingdon Road (Castle)
PROPOSAL: Two storey 20 bedroom hotel block.
RECOMMENDATION: Approve subject to satisfactory completion of the s106 agreement by 30 June 2007, conditions and informatives.
APPLICANT: Whitbread Group PLC, Dunstable, Beds
PUBLIC SPEAKERS: Mr Don Proctor (for objector), Mr Brooker (for the applicant)

If the application was to be approved, the Committee

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agreed that a re-wording of Conditions 5 & 6 would be needed to refer to residential amenity.

DECISION: Approved (by 8 votes to 1)

Amended Condition 5 - In the interests of residential amenity and visual amenity and to ensure that suitable hard and soft landscaping is provided as part of the development. (Cambridgeshire and Peterborough Structure Plan 2003 policies P1/3 and Cambridge Local Plan 2006 policies 3/4, 3/11 and 3/12).

Amended Condition 6 - To ensure provision, establishment and maintenance of a reasonable standard of landscaping in accordance with the approved design and in the interests of residential amenity. (Cambridgeshire and Peterborough Structure Plan 2003 policies P1/3 and Cambridge Local Plan 2006 policies 3/4, 3/11 and 3/12).

- 2 APPLICATION NO:** 07/0227/FUL
SITE: 20 Wilberforce Road (Newnham)
PROPOSAL: Erection of two storey side extension and single storey rear extension to house.
RECOMMENDATION: Approve subject to conditions
APPLICANT: Ray Frith and Penny Day, 20 Wilberforce Road
PUBLIC SPEAKERS: Mr Patman (objector), Ms Day (applicant)

The Planning Officer referred to the amendment sheet and that a further representation had been received from 35 Madingley Road.

DECISION: Approved (by 7 votes to 1)

The meeting ended at 8.55pm.

Chair

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Application Number	07/0517/FUL	Agenda Item	7
Date Received	15th May 2007	Officer	Mr James D'Arcy
Target Date	10th July 2007		
Ward	Market		
Site	50 Burleigh Street Cambridge Cambridgeshire CB1 1DJ		
Proposal	Change of use from retail to Adult Amusement Centre.		
Applicant	RAL Limited Silbury Court 368 Silbury Boulevard Milton Keynes MK9 2AF		

1.0 SITE DESCRIPTION/AREA CONTEXT

1.1 The site is located on the south western edge of Burleigh Street, a primary shopping frontage located to the south west of the Grafton Centre within the Kite area of the city. The area of Burleigh Street on which the site is located is a pedestrian zone, and serves both nearby residents and customers of the Grafton Centre and associated businesses. The site backs onto Paradise Street, a primarily residential street.

The street accommodates a wide mix of commercial businesses, and also benefits from a blend of residential and commercial occupation, which aids the vibrant yet informal nature of this local centre.

Currently the large, recently relocated Robert Sayle/John Lewis department store occupies a significant position within the northern end of Burleigh Street, and this is seen as being a primary regenerative factor in the growth and development of the shopping area.

The site itself has recently been refurbished to include residential accommodation on the upper floors, (planning reference: C/04/0294), and these have created an enclosed area to the Paradise Street frontage.

1.2 Burleigh Street is identified as a Primary Shopping Frontage within the Cambridge Local Plan 2006 and the site was previously recognised as “Galloway and Porter,” a book sales retail unit (Class A1) within the Cambridge Central Area Shopping Survey (2005). The site itself is not within a Conservation Area, but is in close proximity to Cambridge City Council Conservation Area 1 and falls within the controlled parking zone.

2.0 THE PROPOSAL

2.1 The application seeks permission for a change of use from class A1 (retail) to an Adult Amusement Gaming Centre, which does not fall into any recognised use class and it is therefore a ‘sui generis’ use. This would represent the loss of 145 sq. metres of A1 retail use in the shopping frontage. The application also represents the expansion of an existing business (“Quicksilver”) that has operated in Cambridge for a number of years from its premises on Sidney Street.

2.2 The applicant proposes that the site would attract an estimated 400 person movements a day, and provide employment for 6-8 full-time members of staff.

2.3 The proposed hours of opening would be from 09.00 to 20.00 Monday to Saturday, and 11.00 to 17.00 on Sundays. The application also details that vehicular movements will be restricted to 1 vehicle a week for servicing and delivery (utilising the existing yard on the Paradise Street frontage), and this would be between 09.00 and 17.00.

2.4 Waste, Recycling, and drainage will be disposed of via the existing means.

2.5 The application is accompanied by the following supporting information:

1. Design Statement

3.0 SITE HISTORY

3.1 04/0294 3 two bed flats behind existing shop A/C

4.0 PUBLICITY

4.1 Advertisement:	Yes	No
Adjoining Owners:		Yes No
Site Notice Displayed:	Yes	No
Public Meeting/Exhibition (meeting of):		Yes No
DC Forum (meeting of):		Yes No

5.0 POLICY

5.1 Central Government Advice

5.2 **PPS1 Delivering Sustainable Development (2005):**

Paragraphs 7 and 8 state that national policies and regional and local development plans (regional spatial strategies and local development frameworks) provide the framework for planning for sustainable development and for development to be managed effectively. This plan-led system, and the certainty and predictability it aims to provide, is central to planning and plays the key role in integrating sustainable development objectives. Where the development plan contains relevant policies, applications for planning permission should be determined in line with the plan, unless material considerations indicate otherwise.

5.3 **PPS6 Planning for Town Centres (2005):** States that the key objective for town centres is to promote their vitality and viability by planning for growth and development of existing centres, promoting and enhancing existing centres by focusing development in such centres and encouraging a wide range of services in a good environment, accessible to all. The statement seeks to enhance consumer choice to meet community needs and ensure new development is well served by a choice of means of transport.

5.6 **Circular 11/95 – The Use of Conditions in Planning Permissions:** Advises that conditions should be necessary, relevant to planning, relevant to the development permitted, enforceable, precise and reasonable in all other respects.

5.7 **Cambridgeshire and Peterborough Structure Plan 2003**

P1/2 Environmental restrictions on development

P1/3 Sustainable development in built development

5.8 Cambridge Local Plan 2006

- 3/1 Sustainable development
- 3/4 Responding to context
- 3/7 Creating successful places
- 6/6 Change of Use in the City Centre

5.9 Supplementary Planning Documents

Cambridge City Council (May 2007) – Sustainable Design and Construction: Sets out essential and recommended design considerations of relevance to sustainable design and construction. Applicants for major developments are required to submit a sustainability checklist along with a corresponding sustainability statement that should set out information indicated in the checklist. Essential design considerations relate directly to specific policies in the Cambridge Local Plan 2006. Recommended considerations are ones that the council would like to see in major developments. Essential design considerations are urban design, transport, movement and accessibility, sustainable drainage (urban extensions), energy, recycling and waste facilities, biodiversity and pollution. Recommended design considerations are climate change adaptation, water, materials and construction waste and historic environment.

5.10 Material Considerations

Cambridge Historic Core – Conservation Area Appraisal (2005): Provides an appraisal of the Historic Core of Cambridge.

6.0 CONSULTATIONS

Cambridgeshire County Council (Engineering)

6.1 No Objection:

Head of Environmental Services

6.2 No comments received. Comments to be reported on the Amendment Sheet or orally at the meeting.

6.3 The above responses are a summary of the comments that have been received. Full details of the consultation responses can be inspected on the application file.

7.0 REPRESENTATIONS

7.1 Councillor Rosenstiel, and Councillor Dixon have both made comments upon this application. These centred around the assessments being made upon the neighbourhood to analyse the potential effect both on the vitality and viability of the shopping frontage, and the effect upon residents.

7.2.1 The owners/occupiers of the following addresses have made representations:

Andrews Butchers, 24-35 Burleigh Street

Pine Inspirations, 46 Burleigh Street

Marc Jason Ltd, 49 Burleigh Street

The Beautique, 49 Burleigh Street

1st Floor Flat, 51 Burleigh Street

Bowes and Co, 55 Burleigh Street

Prudential (owners of the Grafton Centre), C/O Drivers Jonas,
85 King William Street, London

23 Paradise Street

24 Paradise Street

27 Paradise Street

34 Paradise Street

34A Paradise Street

196 Sturton Street

168 York Street

7.2 The representations can be summarised as follows:

The proposed use would be detrimental to the existing shopping area. This could counteract the regenerative effect of the Robert Sayle/John Lewis store has had on the area.

Long-term damage to the vitality and viability of the area that could be caused to the area by virtue of the existence of a gaming arcade. The concerns directly link to the needs of local residents to continue to improve and positively develop the area into a productive and proactive area.

Safety and security, both in terms of the potential for crime in the handling of monies to and from the proposed unit, but also in terms of anti-social behaviour in the area which the proposed use would attract including begging, robbery, vandalism, aggressive behaviour and anti social behaviour from youths.

Proximity to areas in which disadvantaged and homeless residents of the city can be found, and suggestion that the opening of such a premises would have a detrimental effect upon the lives of those who could least afford it.

Potential for attracting “addicts” to the area, which would increase the problems residents already face since the increase in alcohol related problems.

7.3 The above representations are a summary of the comments that have been received. Full details of the representations can be inspected on the application file.

8.0 ASSESSMENT

8.1 From the consultation responses and representations received and from my inspection of the site and the surroundings, I consider that the main issues are:

1. Principle of development
2. Context of site, design and external spaces
3. Residential amenity
4. Third party representations

Principle of Development

8.2 A key objective of PPS 6 is to promote the vitality and viability of town centres through encouraging a wide range of services in a good environment accessible to all; ultimately sustainable development. Policy 6/6 of the Local Plan, although referring to changes of use from A1 to other ‘shopping’ uses, is relevant because the underlying aim of the policy is to preserve a predominance of retail uses to maintain the contribution that the primary shopping frontages make to the viability and vitality of the city centre. This proposal does not undermine the predominately retail shop character of the street. In my view, subject to a consideration of the context of the site, the impact

on residential amenities and third party representations, the proposed change of use is acceptable in principle and accords with Cambridgeshire and Peterborough Structure Plan 2003 policy P1/3, and Cambridge Local Plan 2006 policies 3/1 and 6/6.

Context of site, design and external spaces

- 8.3 There is a wide and varied range of shops on this part of the Burleigh Street frontage, providing a diverse range of products to both local and visiting clientele. The site, although part of a building with mixed use (residential above), is typical of properties within the immediate locality and the proposed change of use would not significantly alter the feel of the street, nor introduce an element which would sit awkwardly in the overall retail picture of the streetscene. Design of both frontage and associated advertising would be subject to a future application to the Local Authority, and as such the proposal adequately reflects the context of the retail neighbourhood. The existing premises on Sidney Street sit well in their surroundings in visual terms and I consider that the same will be true on this site.
- 8.4 In my opinion the proposal is compliant Cambridge Local Plan 2006 policies 3/4, 3/7, and 6/6.

Residential Amenity

- 8.5 The application site is located within a mixed use area that includes residential use both within Burleigh Street, usually at first floor level and above, and in residential streets beyond. In my view the impacts on residential amenity relate to either matters of noise and disturbance or potential concerns about personal safety.
- 8.6 In my view the footfalls to the premises as estimated by the applicant are unlikely to be dissimilar to a shop use and I do not consider that this will generate undue noise and disturbance particularly in view of the mixed use nature of the area. I have recommended conditions to control hours of opening of the premises and the amount of noise emitted in anticipation of comments from Environmental Health. I will confirm the necessity for these on the Amendment Sheet.

- 8.7 There is no evidence to suggest that the change of use will be detrimental to the safety and security of residents. Whilst valid concerns have been raised about the removal of monies from the premises, the application can be treated no differently from any other retail use whereby the occupants will require the transferal of cash to and from the premises. Many premises use Paradise Street as the “non-public” access, and as such it would be unreasonable to argue that the proposed use is unsuitable to also use this access. It would also be unreasonable to assume that the use will attract clientele who would be likely to raise levels of crime in the area, and reduce the security and enjoyment levels of local residents. There is no evidence to show that the existing premises in Sidney Street have created such problems.
- 8.8 In my opinion the proposal adequately respects the residential amenity of its neighbours and constraints of the site and as such consider that it is compliant with Cambridge Local Plan (2006) policies 3/4, 3/7, and 6/6.

Third Party Representations

- 8.9 In assessing this application a wide range of objection was received, reflecting a number of issues which residents felt would be of concern were the application to be successful. Following visits to the site and surrounding areas, at varying times of both day and night, it is apparent that the range of customer varies significantly, and this is reflected in the comments of residents. Whilst appreciating the concerns of residents, and recognising the enthusiasm to improve and diversify their neighbourhood, there are no planning grounds on which their concerns can justify a recommendation of refusal of planning permission.
- 8.10 In looking at the future regeneration of the street, both in the immediate and more long-term it is apparent that the street will undergo significant change over a prolonged period. Key to this regeneration however will be attracting diversity, and expanding the customer and consumer base on which the street can develop and benefit, the proposed use will contribute towards this aim.

9.0 RECOMMENDATION

1. The development hereby permitted shall be begun before the expiration of three years from the date of this permission.

Reason: In accordance with the requirements of section 51 of the Planning and Compulsory Purchase Act 2004.

2. Before the development/use hereby permitted is commenced, a scheme for the insulation of the building(s) and/or plant in order to minimise the level of noise emanating from the said building(s) and/or plant shall be submitted to and approved in writing by the local planning authority and the scheme as approved shall be fully implemented before the use hereby permitted is commenced.

Reason: To protect the amenity of nearby properties (Cambridge Local Plan 2006 policy 4/13)

3. The use hereby permitted shall only be operated from the premises during the hours of 0900 to 2000 Monday to Saturday and 1100 to 1700 on Sundays and Bank Holidays.

Reason: To protect the amenities of the occupiers of adjacent properties. (Cambridge Local Plan policy 4/13)

INFORMATIVE: New development can sometimes cause inconvenience, disturbance and disruption to local residents, businesses and passers by. As a result the City Council runs a Considerate Contractor Scheme aimed at promoting high standards of care during construction. The City Council encourages the developer of the site, through its building contractor, to join the scheme and agree to comply with the model Code of Good Practice, in the interests of good neighbourliness. Information about the scheme can be obtained from The Considerate Contractor project Officer in the Planning Department (Tel: 01223 457121).

Reasons for Approval

1. This development has been approved, conditionally, because subject to those requirements it is considered to generally conform to the Development Plan, particularly the following policies:

Cambridgeshire and Peterborough Structure Plan 2003: P1/3

Cambridge Local Plan (2006): 3/1, 3/4, 3/7, 4/13, 6/6

2. The decision has been made having had regard to all other material planning considerations, none of which was considered to have been of such significance as to justify doing other than grant planning permission.

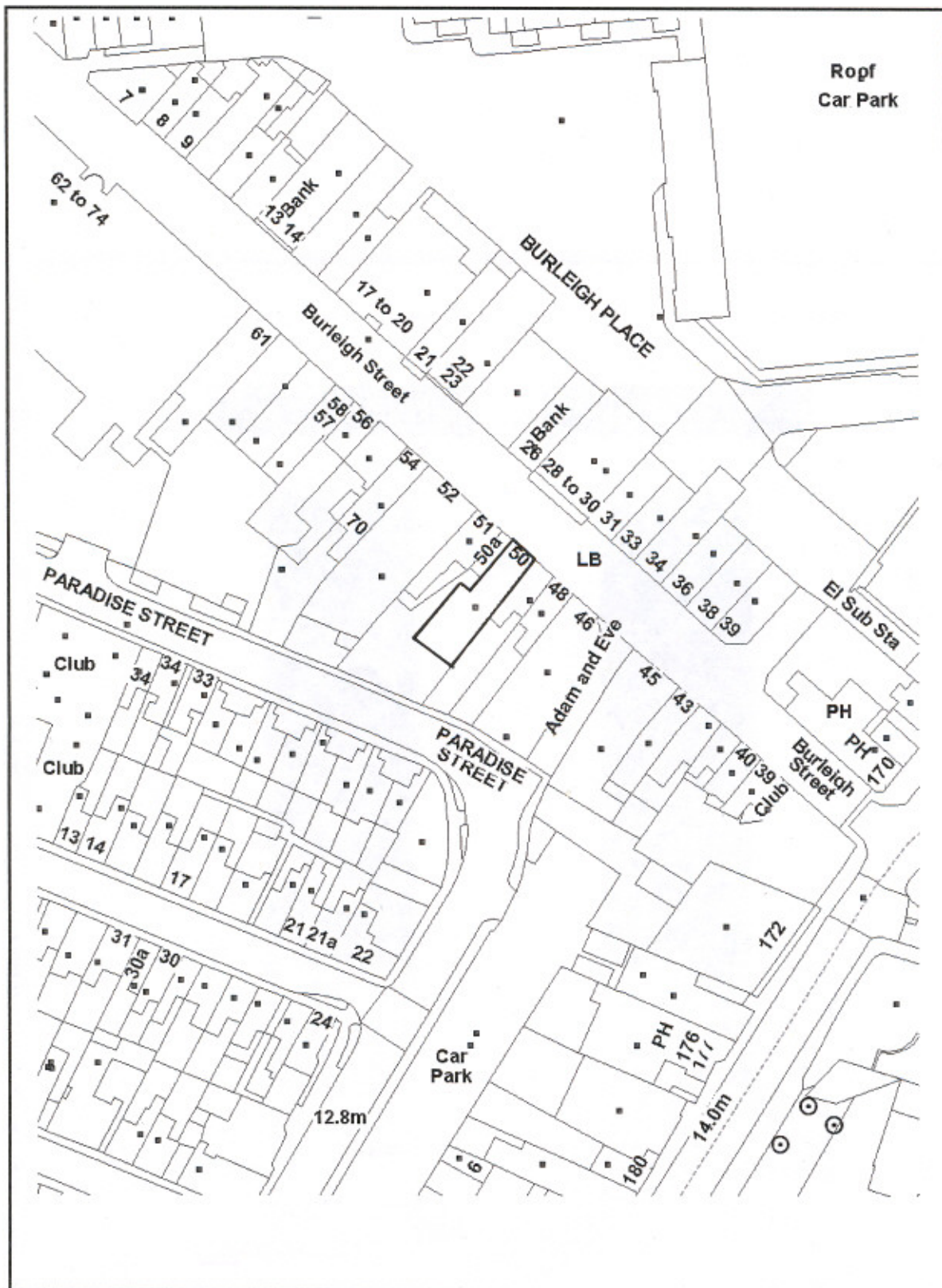
These reasons for approval can be a summary of the reasons for grant of planning permission only. For further detail on the decision please see the officer report by visiting the Council Planning Department.

LOCAL GOVERNMENT (ACCESS TO INFORMATION) ACT 1985

Under Section 100D of the Local Government Act 1972, the following are “background papers” for each report on a planning application:

1. The planning application and plans;
2. Any explanatory or accompanying letter or document from the applicant;
3. Comments of Council departments on the application;
4. Comments or representations by third parties on the application as referred to in the report plus any additional comments received before the meeting at which the application is considered; unless (in each case) the document discloses “exempt or confidential information”
5. Any Structure Plan, Local Plan or Council Policy Document referred to in individual reports.

These papers may be inspected by contacting John Summers (Ext.7103) in the Planning Department.



07/0517/FUL

50 Burleigh Street Cambridge Cambridgeshire CB1 1DJ